IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16095 of 2004

Between:

K. Reddy Shekar, S/o Subbarayudu,
R/o 10/59, CNT Hall Road, Markapuram, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapuram,Prakasam District.
3 The Mandal Revenue Officer, Markapuram,Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ , order or direction more particularly one in the nature of Writ of Certiorari, to call for the records pertaining to the impugned proceedings Rc.CS2/3192/2004 dt. 1-9-2004 on the file of the 1st respondent and quash the same as illegal, arbitrary, unjust, and to consequently set aside the order of the 2nd respondent passed in R.C.H. 1680/2004 dated 30-8-2004.

Counsel for the Petitioner: K.ARUNA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is a fair price dealer of Markapuram Town, Prakasham District. His authorization has been suspended by the 2nd respondent-Revenue Divisional Officer, Markapuram, Prakasham District, pending enquiry into the alleged irregularities in distribution of the commodities. He preferred an appeal before the 1st respondent-Joint Collector, Ongole, Prakasham District. The 1st respondent, by order dated 01-09-2004, while rejecting the application for stay, held that since the petitioner has already submitted his explanation, the Revenue Divisional Officer shall finalise the case after hearing both the parties within two months from the date of receipt of the order. The said order is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents.

On a perusal of the impugned order dated 01-09-2004, it is clear that the 1st respondent failed to take into consideration any one of the grounds raised by the appellant and passed an order merely remanding the matter for enquiry by the Revenue Divisional Officer, Markapuram. The 1st respondent being the competent authority to consider the statutory appeal, ought to have gone into the merits of the

case and particularly ought to have considered the question whether the suspension of the authorization pending enquiry is warranted in the facts and circumstances of the case. Since the 1st respondent failed to take into consideration the said aspects, the impugned order is unsustainable and liable to be set aside.

Accordingly, the writ petition is disposed of setting aside the impugned order dated 01-09-2004, and directing the 1st respondent to consider the appeal afresh and to pass appropriate orders in accordance with law, after affording due opportunity to the petitioner, as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of this order. No costs.

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09-09-2004

Note: Issue C.C by tomorrow.

B/o.

vs

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapuram,Prakasam District.
3 The Mandal Revenue Officer, Markapuram,Prakasam District.

4 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

5 Two CD copies.